

**MANY  
AFFIDAVITS  
HELD BY  
DEFENSE**

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**Will Probably Be  
Publish-  
ed Before End of  
Week,**

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# Burns Confers With Frank In Tower.

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That the attorneys for the defense of Leo M. Frank will make a tremendous fight for a new trial upon a motion extraordinary before Judge Ben Hill, of the criminal division of the superior court, became evident on Monday when it became known authentically for the first time that the attorneys are fortified with a great mass of new evidence which has not hitherto been made public.

This new evidence is for the most part in the form of new affidavits and repudiations of affidavits formerly made in favor of the prosecution.

## **Will Publish Evidence.**

It was also stated authentically that much of this evidence will be made public before the end of the present week.

Armed with this new evidence it is anticipated that the attorneys for the defense will appear before Judge Hill, as soon as the sentence has been repronounced, and file a motion extraordinary for a new trial.

## **Detective Burns Here.**

Another circumstance which injected a great deal of interest into the case on Monday and which may also result in the disclosure of more new evidence was the fact that William J. Burns, the detective, arrived. In Atlanta and held a conference of

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almost two hours with the condemned men at the Tower, making himself thoroughly acquainted with the history of the case.

After his two hours conference with Frank Burns at 3 o'clock had not arrived at his decision in regard to taking up the case, and had intended continuing his conference later in the afternoon, but discovered that the train on which he intended leaving the city left at 4:10 o'clock instead of at 5:10 o'clock, and he was compelled to give up the idea of further conference and hasten to the Terminal station to catch his train.

### **Will Return Wednesday.**

He went to Jackson, Miss., on a business trip, and expects to be back in Atlanta on Wednesday to continue his conference with Frank, and possibly with others connected with the case, and make up his mind as to whether he will take up a throughout investigation.

Detective Burns would not discuss his interview with Frank, inasmuch as the information which was divulged to him in the condemned man's cell was in confidence.

Detective Burns was accompanied in Atlanta by Milton Klein, Dr. B. Wildaur and an S. Lehon, manager of the southern division of the Burns agencies. When he returns to Atlanta Wednesday to continue his Conferences he will be joined in them by Manager Lehon and C. E. Sears, manager of the Atlanta branch.

Frank when seen, by a Constitution reporter in his cell shortly after the conference with the detective, would not discuss what had transpired between the two nor what he thought of the outlook of his case after having talked with Burns.

He was, however, in a pleasant frame of mind, and talked freely about himself and incidents of general interest.

It also became definitely known on Monday that William Pinkerton, of the Pinkerton detective agency, is not working upon the Frank case, although it had been rumored and published some days since that he was actively engaged in an investigation.

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William Pinkerton, upon the statement of Allen Pinkerton, of the same agency, is in San Diego, Cal., and has been there for several weeks.

### **Remittitur Not received.**

The remittitur from the supreme court refusing Frank a rehearing was not transmitted to the clerk of the superior court on Monday, as had been expected, and is not known when it will be transmitted. It is being expected, however, daily.

Solicitor Dorsey would not so much as intimate on Monday how long after the arrival of the supreme court document it would be before he would swear out a writ of habeas corpus upon which to produce Leo M. Frank before Judge Ben Hill for a repronouncement of the sentence.

The attorneys for the defense are silent upon their plans, as was the solicitor. It is apparent, though, that neither side of the case is manifesting any haste about the steps of the legal battle which will continue to be waged for Frank.

Attorney L. Z. Rosser, senior counsel for the defense, is in New York city, where he will remain until Monday. It was stated that he is not there in connection with the Frank case.

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